

Felony

Minor Offense

Other Misdemeanor

☒ ☐ ☐

JUDGE/MAGISTRATE

Assigned Trial

8509

1085

4

District Office

Dis./Sentence

5-18-76

U. S. vs. COLBERT, DONALD LEE

Case Filed

Day

Mo.

12

12

Yr.

Docket No.

Def.

75-CR-182

-

1

No. of

1

Defndts

75-1072

I. CHARGES

U. S. CODE SECTION

18:751(a)

OFFENSES

Attempted escape from fed. custody (\$5000 &/or 5 Yrs.)

COUNTS

1

U.S. Attorney or Asst.

Ben F. Baker, Ass't.

Defense: X CJA, L Ret, L Waived, L Self, L None, L Other, L PD, L CD

Ronald H. Mook

1634 South Boulder

Tulsa, Okla. 74119

PH: 583-7094

MAGR. CASE NO.

75-288M

BAIL • RELEASE

☐ Personal Recog.

☐ Unsecured Bond

☐ Conditional Release

Set (000)

\$ 5

☒ 10% Deposit

☒ Surety Bond

☐ Collateral

☒ Bail Not Made

☐ 3rd Party Custody

☐ PSA

(See Docket)

II. KEY INTERVALS & DATES

ARREST

11-13-75

U.S. Custody Began on Above Charges

11-13-75

Prosecution Deferred

INDICTMENT

Information

12-12-75

High Risk Defn. & Date Design'd

Waived

Superseding Indict/Info

ARRAIGNMENT

12-16-75

1st Plea

Final Plea

Trial Set For

1-12-76

☒ Not Guilty

☐ Nolo

☐ Guilty

☐ Not Guilty

☐ Nolo

☐ Guilty

TRIAL

Voir Dire

Trial Began

Trial Ended

SENTENCE

Disposition

5-18-76

☒ Convicted

☐ Acquitted

☐ Dismissed

☐ Nollo/Discontinued*

☒ On All Charges

☐ On Lesser* Offense(s)

☐ WOP; WP*

III. MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/No.	INITIAL 11-14-75	INITIAL/No. CSB 850e	OUTCOME <input type="checkbox"/> Dismissed <input type="checkbox"/> Held for District GJ <input checked="" type="checkbox"/> Held to Answer to U. S. District Court AT: Magistrate's Initials CSB	
Summons	Return			PRELIMINARY EXAMINATION OR REMOVAL HEARING	Date Scheduled 11-21-75 Date Held 11-21-75		BOND <input type="checkbox"/> Exonerated <input type="checkbox"/> To Transferee District
	Issued			<input type="checkbox"/> Waived <input checked="" type="checkbox"/> Not Waived	<input type="checkbox"/> Intervening Indictment		
	Served						
Arrest Warrant		11-14-75	CSB 850e	Tape No. 75-288M	INITIAL/No. CSB 850e		
COMPLAINT		11-14-75	CSB 850e	OFFENSE (In Complaint) Attempted escape from federal custody, after having been arrested on warrant issued by U. S. District Court.			

IV. MAGISTRATE & DISTRICT COURT DOCKET ENTRIES

* Show last names and suffix numbers of other defendants on same indictment/information		V. Excludable Delay			
DATE	PROCEEDINGS	(a)	(b)	(c)	(d)
1975					
11-14	Initial hearing before CSB, Mag. Bail fixed \$5,000 C/S				
12-12	Record vote of Grand Jury Concurring, fld. in Open Court. v				
12-12	Indictment, filed in Open Court. (AEB-J)v				
12-12	MO: Case set for arraign. 12-16-75 at 10 a.m. (AEB-J)v -ntc mld.				
12-16	Case called for arraignment. Deft. present & represented. Govt. represented. Deft. acknow. receipt of indict. & is advised of charge. Deft. arraigned & enters plea of NOT GUILTY. Deft. given 10 days to file motions & Govt. 5 days to respond. Case set for trial 1-12-76, 9:30 A.M. Deft. requests reduction of bond. Deft. agrees to pre-sentence report. Deft. remanded to custody of USM. (AEB-J)b				
12-23-75	MO: Case set for jury trial on 1-12-76, 9:30 A.M. (AEB-J) nts. mld. b				
1-13-76	Return on Subpoenae to Testify, filed. Served J.C. Brixey. Unable to serve George Bristow and Randy Burton. v				
1-112-76	Case called for jury trial Deft. present and Gov't represented parties announce ready. Jury selected and sworn. trial to begin 1-14-76, 9:30a.m.(AEB-J)t				
1-14-76	Case tried to jury 1-14: Deft. present and represented. Govt. represented. Parties announce ready; jury selected				

DATE	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
cont.	and sworn on 1-12-76. Rule invoked. Gov't makes opening statement no opening statement by Deft. Govt. presents case in chief, witnesses sworn and testify. Ct. overrules Deft's. objection to testimony of Hutchinson and Morgan. Govt. rests. Deft's mot. for dismissal and mis-trial denied. Deft. presents case witness sworn and testifies. Parties rest. Closing arguments made and Ct instructs jury. Ct. overrules Deft's. objection to Govts closing arguments. Bailiff sworn and jury retires to deliberate at 3:30p.m. (4:15p.m.) Note from foreman of jury requesting testimony of Hutchinson and Morgan. Jury returns to Ct and testimonys read by reporter.(5:00p.m.) Jury retires to continue deliberation.(5:33p.m.) Jury returns with verdict finding Deft. GUILTY as charged to indictment. Jury discharged. Deft. advised of right to appeal. Deft and counsel are asked if they have anything to say before sentence is pronounced. JUDGEMENT & SENTENCE - DONALD LEE COLBERT Atty. Gen. - Max. period five (5) yrs. for study as described in 18 USC, 4208(c) the results of such study to be furnished this ct. w/in 90 days, whereupon the sent. of imprisonment herein imposed may be subject to modification in accordance with 18, 4208(b).(AEB-J)t 1-14-76 Judgment and Commitment, filed. and entered(AEB-J)t 1-14-76 Two c/c of J & C to USM.(AEB-J)t 1-16-76 Subpoenae to Randy Burton and Geo. Bristow, ret. & filed. g 1-23 Notice of appeal by def. from J&S of 1/14/76, filed. rm (copy to USCA) 1-28 J&C, ret. & filed: deft. Colbert delivered to Fed. Reformatory, El Reno, Ok. 1-26-76. g 2-4 Notice to court reporter, filed. rm 2-5 Deft's designation of record on appeal, filed. ph 2-17 Appl. of def. to withdraw notice of appeal as premature, filed. rm <i>Once To Court</i> 2-17 Order, as part of appl., granting leave to withdraw notice of appeal, filed.(AEB-J)rm-copies to counsel and USCA 4-6 MO: Case set for definitive sentence on 5-11-76, at 10:00 A.M.(AEB-J)b nts mld 5-7 MO: Case stricken from docket of 5-11-76, to be re-set.(AEB-J)b nts by phone 5-14 MO: Case set for definitive sentence on 5-18-76, 10:00 A.M.(AEB-J)b nts mld 5-18 Case called for definitive sentencing. Deft. present & represented. Govt. represented by K. Snoke for B. Baker. Deft. & co. asked if they have anything to say before sent. is pronounced: Judgment & Sentence - Donald Lee Colbert Atty. Gen. - Five (5) yrs., to run concurrently w/sent. imposed in case no. 75-CR-156. Deft. co. announces intent to appeal.(AEB-J)b 5-18 Judgment & Commitment, filed & entered.(AEB-J)b 5-18 Two c/c of J&C to USM. b				

(continued)

Interval
(per Section II)Start Date
End DateLtr. Total
Code Days

LETTER CODES
For Identifying
Periods of Exclud-
able Delay Per 18
U.S.C. 3161(h)

A. Examination or
hearing for
mental or
physical in-
capacity (18
U.S.C. 4244).

B. NARA Exami-
nation (28
U.S.C. 2902).

C. State or Federal
trials on other
charges.

D. Interlocutory
Appeals.

E. Hearings on
pretrial motions.

F. Transfers from
other districts
(per F.R.Cr.P.
Rules 20, 21
& 40).

G. Defendant Mo-
tion is actually
under advise-
ment. Period of
up to 30 days
is excludable
per
3161(h)(1)(G).

H. Miscellaneous
Proceedings:
Probation or
Parole revoca-
tion, Departa-
tion,
Extradition.

I. Prosecution de-
ferred by
mutual agree-
ment.

M. Unavailability
of defendant
or essential
witness.

N. Period of men-
tal or physical
incompetence
of defendant to
stand trial.

O. Period of
NARA Com-
mitment or
Treatment.

P. Superseding
indictment
and/or new
charges.

R. Defendant
awaiting trial
of Co-defen-
dant when no
severance has
been granted.

T. Continuances
Granted per
3161(h)(8)
(i.e. ends of
justice or com-
plexity of case
outweighs de-
fendants'
interests).

U. Time between
guilty plea and
plea with-
drawal.

V. Time while
moving prisoner
from state insti-
tutions per
transfer/
detainer pro-
cedure.

W. Grand Jury in-
dictment ex-
tended per
3161 (b).

Y. Any delay ex-
cluded by court
order for reasons
not included
above.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
5-28-76	Notice of appeal by def. from judg. of 5/18/76, filed. rm (copy to USCA)				
6-3	Motion of deft. for release pending appeal, w/brief included, filed. ph				
6-3	Notice to court reporter, filed. ph				
6-4	Designation of record on appeal, filed. ph				
6-4	Order, filed, denying motion for release pending appeal. (AEB-J)g cp mld.				
6-22	J&C, ret. & filed: deft. Colbert delivered to Fed. Reformatory, El Reno, Ok. on 6-15-76. g				
6-25	Reporter's transcript of proceedings had on 12/16/75, 1/12/76 and 1/14/76, filed. (G. Dorrough-CR)rm				
6-25	Reporter's transcript of sentencing had on 1/14/76, filed. (G. Dorrough-CR) rm				
7-1	Original record on appeal (3 vols) transmitted to USCA. rm				
4-14-77	Order, filed, overruling defendant's motion (letter) for discretionary modification of sentence. (AEB-J)g cp. mld.				
4-18-77	Mandate and Opinion of USCA, filed and spread of record, affirming court's judgment of 5/18/76.rm				
6-6	Original appeal record (3 vols) received from USCA.rm				

DATE		PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
		(Document No.)		(a)	(b)	(c)	(d)